

1 HANSON BRIDGETT LLP  
 KURT A. FRANKLIN, SBN 172715  
 2 kfranklin@hansonbridgett.com  
 LISA M. POOLEY, SBN 168737  
 3 lpooley@hansonbridgett.com  
 SAMANTHA WOLFF, SBN 240280  
 4 swolff@hansonbridgett.com  
 JENNIFER ANIKO FOLDVARY, SBN 292216  
 5 jfoldvary@hansonbridgett.com  
 425 Market Street, 26th Floor  
 6 San Francisco, California 94105  
 Telephone: (415) 777-3200  
 7 Facsimile: (415) 541-9366

8 HANSON BRIDGETT LLP  
 TYSON M. SHOWER, SBN 190375  
 9 tshower@hansonbridgett.com  
 LANDON D. BAILEY, SBN 240236  
 10 lbailey@hansonbridgett.com  
 500 Capitol Mall, Suite 1500  
 11 Sacramento, California 95814  
 Telephone: (916) 442-3333  
 12 Facsimile: (916) 442-2348

13 OTTEN LAW, PC  
 VICTOR OTTEN, SBN 165800  
 14 vic@ottenlawpc.com  
 KAVITA TEKCHANDANI, SBN 234873  
 15 kavita@ottenlawpc.com  
 3620 Pacific Coast Highway, #100  
 16 Torrance, California 90505  
 Telephone: (310) 378-8533  
 17 Facsimile: (310) 347-4225

18 Attorneys for Plaintiffs  
 CORY SPENCER, DIANA MILENA  
 19 REED, and COASTAL PROTECTION  
 RANGERS, INC.  
 20

21 **UNITED STATES DISTRICT COURT**  
 22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
 23

24 CORY SPENCER, an individual;  
 25 DIANA MILENA REED, an  
 individual; and COASTAL  
 26 PROTECTION RANGERS, INC., a  
 27 California non-profit public benefit  
 corporation,  
 28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF BENJAMIN  
 SIOUNIT**

Complaint Filed: March 29, 2016



1 and in the months that followed, I learned that surfers and others from out of  
2 the area were not welcomed by the residents of Palos Verdes Estates.  
3 Moreover, I learned that surfers and other beachgoers who are not from  
4 Palos Verdes Estates stayed away from the City because they were afraid of  
5 assaults and harassment from the local surfers. For example, while working  
6 for Palos Verdes Estates, I learned that some Lunada Bay local surfers had  
7 terrorized and assaulted non-residents and vandalized their cars and other  
8 property brought to the beach. If a non-local tried to surf Lunada Bay, the  
9 local surfers known as the "Bay Boys" would make an example out of them.  
10 Even people walking along the bluffs and looking at the surf would get  
11 harassed. I observed cars that had been vandalized. While I worked for the  
12 City, it did little to address the problem.

13 4. During the five years I worked for the City, I did not observe the  
14 police department take the issue of localism seriously and doubt that they do  
15 today. For example, I cannot recall any fulltime police officers walking down  
16 any of the cliffs to the local beaches to address localism issues. Instead,  
17 occasionally the fulltime officers would simply view beaches with their  
18 binoculars from the bluff top. But viewing the beach and surf break from the  
19 cliff was not an effective way to police the area because you cannot hear or  
20 see everything. This is especially true if you do not understand and have no  
21 training in surf etiquette. While I am not a surfer, I understand that one  
22 technique the locals use to harass visiting surfers is to drop in front of them  
23 when they are surfing a wave. They sometimes refer to this practice as  
24 "burning" the visiting surfer on a wave. I recently watched a video clip of an  
25 event held on Martin Luther King Day 2017 where you can see two women  
26 surfers burning visiting surfers on waves. The clip shows a couple officers  
27 on the cliff with binoculars. One Officer states: "I'm not a surfer so I don't  
28 understand surf etiquette, and I don't even know what dropping in is." I



1 observed officers call the local surfers by name, and engage in lengthy, non-  
2 work-related conversations.

3       5. While I worked for the City, the police department provided no  
4 trainings on localism, how the practice violated local ordinances and state  
5 law, or how it could be addressed. In my entire time with the Department, it  
6 only mentioned what it called a "surf issue" a couple of times, but never  
7 suggested how officers could or should address it. Moreover, while the City's  
8 police department had access to a boat, I did not see it being used to  
9 address the issue of local surfers deterring outsiders from visiting Lunada  
10 Bay or other City beaches. The former chief did ask the reserve officers to  
11 take the quads down to the beach to show a police presence; however, the  
12 quads only had very limited access to the beach and didn't have access to  
13 the portion of the beach where the Lunda Bay Boys were surfing at. The  
14 only quad access was in the 400 block of Paso Del Mar close to the  
15 "Neighborhood Church" that actually covers more of the Rat Beach which is  
16 part of City of Torrance than City of Palos Verdes Estates.

17       6. Beyond Lunada Bay, I observed unfair treatment against other  
18 visitors to the City by police officers, which started upon entry into the City.  
19 Most of the patrol time was devoted to the main drives (Palos Verdes Drive  
20 West and North) as the officers were profiling the individuals driving through  
21 the City coming from San Pedro or Torrance. I believe this was an effort to  
22 discourage people from coming to the City. Specifically, while I worked for  
23 the City, the Palos Verdes Police Department treated residents and those  
24 who grew up in Palos Verdes Estates differently from non- residents. This  
25 was particularly true for people of low economic status and people of color.  
26 For example, when a police officer would pull a resident over for a traffic  
27 violation, the officer was more likely to use his "discretion" to issue a verbal  
28 warning for a "minor traffic violation." In contrast, for nonresidents,

1 especially people of color or people driving older or beat-up cars, I observed  
2 that they were more likely to be issued an expensive traffic ticket. Officers  
3 would ask the non-residents where they were coming from, and their  
4 purpose for being in the City. This double standard existed my entire time  
5 with the City.

6 7. While working for the City, I frequently patrolled with different  
7 Officers. On one occasion around 2010 or 2011, the Officer that I was on  
8 patrol with observed a Hispanic man driving a pickup truck that appeared to  
9 be used for gardening. The Officer said to me, "I guarantee that guy has no  
10 license and is an illegal from Mexico." This was enough for the Officer to  
11 pull this man over. It turned out that the man did not have a driver's license.  
12 Because of this, the Officer used his "discretion" to have the man's work  
13 truck towed. The Officer made it clear to me that he did not like Hispanic or  
14 African American people in the City, and that he liked to profile people. And,  
15 the Officer laughed about impounding the work truck.

16 8. While I worked with the City, there was a reserve Officer that  
17 frequently worked traffic. In addition to working as a reserve officer, his  
18 family privately owned Van Lingen Towing. And, in Palos Verdes Estates,  
19 all impounded vehicles went to his family's towing company, including any  
20 vehicles for which the reserve Officer had issued a citation. Upon  
21 information and belief, before a towed vehicle could be released, the owner  
22 had to pay: (a) an administrative fee to the City, (b) a "hook up fee" to the  
23 towing company, and (c) a storage fees to the towing company. Further,  
24 before the towing company would release a vehicle, the owner of the vehicle  
25 had to show: (d) ID, (e) current vehicle registration, (f) proof of insurance,  
26 and (g) physically return to Palos Verdes Police Department to obtain a  
27 police department "release."

28 9. When I worked for the City, I also observed a different Officer

1 search for non-resident cars that were parked illegally so he could have  
2 them towed. On one occasion, I recall that Officer spotted a car parked with  
3 a political campaign sticker supporting President Obama with the words  
4 "YES WE CAN." The Officer believed the car was parked illegally, looked at  
5 me and said "Yes we can!" The Officer high fived me and called Van Lingen  
6 Towing.

7 10. On another occasion, I recall an Officer who came across a  
8 stranded motorist from out of town who had run out of gas. Although there  
9 was a gas station in Palos Verdes Estates, it did not take cash after hours.  
10 When the stranded motorist sought help, the Officer told the man: "You  
11 should have thought about that before you left your town" and left the person  
12 stranded.

13 11. Similarly, as a reserve officer working for the City, when a car  
14 was towed and the owner was a non-resident I was told that "you are not a  
15 taxi service and you better not give anyone a ride back to the station or  
16 anywhere else for that matter." Palos Verdes Estates has few street lights,  
17 and few services. And cell phone service in Palos Verdes Estates can be  
18 spotty. Still, we were instructed to leave people on the side of the road after  
19 towing their vehicle.

20 12. During my time working for the City, I understood many of the  
21 residents of Palos Verdes Estates had deep-seated prejudice to people of  
22 color. In discussions with some of my fellow officers I learned that some  
23 residents did not want an African American police officer patrolling their city.

24 13. Captain Kevin Scroggins, who is African American, was hired by  
25 the City's police department around March 2008. Captain Scroggins and I,  
26 along with several other officers, were working a Halloween Party at the  
27 home of a wealthy couple located along lower Paseo La Cresta. I am  
28 informed and believe that Officer Scroggins was accused of acting



1 inappropriately. After the event, the former chief (Dan Dreiling) asked me if I  
2 saw Captain Scroggins do anything inappropriate during the time we were  
3 conducting traffic control for this party. I told him "absolutely not." Captain  
4 Scroggins was fired shortly after this event. Before this, Captain Scroggins  
5 had complained about illegal discrimination within the Palos Verdes Estates  
6 Police Department. I was informed by a fellow officer that a resident that was  
7 pulled over by Captain Scroggins (who was driving in an unmarked detective  
8 vehicle and in plainclothes) had complained about black officers patrolling  
9 the city.

10 14. I am a Jewish Iranian American citizen. I try to adhere strictly to  
11 my religious beliefs and maintain great pride in my Iranian heritage. I  
12 immigrated to the United States as a teenager after being granted "refugee  
13 asylum" status by the federal government due to the severely hostile and  
14 targeted anti-Semitic policies in Iran. During the time that I worked for the  
15 department, I was subjected to illegal harassment from fellow officers related  
16 to my race and religious beliefs.

17 15. During a meeting on or about February 6, 2012, with three  
18 superiors, I made a formal complaint about the illegal discrimination that was  
19 directed at me. One of my superiors replied, "let's not go there," making it  
20 clear that neither he nor the Department had any concern about the  
21 treatment I received, and did not intend to do anything about it. Several days  
22 later, I was asked by two of my superiors to participate in a meeting that  
23 allegedly related to an internal affairs investigation the Department was  
24 initiating related to my complaints. Instead of discussing my complaints, they  
25 told me that I was being terminated and that the order to fire me had come  
26 down from the chief himself which I later learned was not true. I was handed  
27 two documents by my supervising Sergeant – a resignation letter and a  
28 termination letter – and told to choose between the two. After I informed him

1 that I was not able to make a decision that very moment, he said the "offer"  
2 of resignation was only good for the night. Because I did not resign that  
3 night, I was fired with no explanation provided.

4 16. In 2016, the former Chief of Police reached out to me on an  
5 unrelated matter. We went to lunch, and I asked him why I had been fired.  
6 The Chief stated that he did not know that I had been terminated until after  
7 he saw a lawsuit that I filed against the Department because he was told  
8 that I had resigned. I learned that one of my supervising officers had told the  
9 former chief that I had come in acting all disgruntled, used profanity, and left  
10 the department on my own free will which was a total lie.

11 17. In my almost five years working as a reserve police officer for  
12 Palos Verdes Estates, I came to believe that certain officers make every  
13 effort to discourage non-residents from visiting the City, including by looking  
14 the other way when residents like the local surfers break the law. As in my  
15 case, I also believe that there are several rogue officers that seem to act  
16 with impunity.

17 I declare under penalty of perjury under the laws of the United States  
18 of America that the foregoing is true and correct. Executed in Los Angeles  
19 California on July 25, 2017.

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23 BENJAMIN SIUNIT